

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)	
)	
SPRINT CORPORATION)	WT Docket No. 16-295
)	
Request for Waiver of Section 90.209(b)(7))	
of the Commission's Rules)	
To:		The Commission

COMMENTS OF MARICOPA COUNTY, ARIZONA

Maricopa County, Arizona (“Maricopa”), through counsel and pursuant to the Public Notice issued on September 19, 2016, hereby submits its Comments in the above-captioned proceeding.¹

I. BACKGROUND

Maricopa is the licensee of an 800 MHz radio system which covers the geographic area of the entire county, including lakes, parks, flood control districts, the County Highway Department, jails system, probation and county security. In addition to various interoperable regional communications, the system also provides primary police radio connectivity for the towns of Surprise, El Mirage, Avondale and the City of Scottsdale.

Connected with digital microwave, the system was primarily built in 1997 and upgraded in 1999 to include fifteen (15) Motorola Smartzone trunking radio sites. Operating from a single site Motorola non-simulcast controller, there are over 9,000 subscribers on the system.

¹ DA 16-1050, released September 19, 2016.

Pursuant to the Commission's various Orders in WT Docket No. 02-55, Maricopa County entered into a Frequency Reconfiguration Agreement with Sprint Corporation ("Sprint") to reconfigure Maricopa's system to lower 800 MHz frequencies. While Maricopa has completed the "first touch" to its subscriber units, and has retuned its infrastructure to the new spectrum, Maricopa has not completed the "second touch" to its subscriber units,² and (as the Commission is aware) is experiencing significant interference on its new frequencies.

In this proceeding, Sprint seeks to begin operation on old "NPSPAC" spectrum previously occupied by Maricopa and other public safety entities in the greater Phoenix area. As the Commission has not declared the area "completed" for purposes of rebanding, Sprint cannot yet operate on such spectrum with broadband technologies at this time without a waiver.

II. COMMENTS

It is Maricopa's position that Sprint's Waiver Request is premature. As the Commission is aware, Maricopa is experiencing interference on its new frequencies, and Maricopa, in conjunction with representatives from Sprint and Verizon Communications, have not yet determined the cause of the interference. Thus, until such time as the interference has been identified and cured, and while Maricopa's radios still have "old" frequencies programmed into them, the Commission should not permit Sprint to operate broadband technologies on old NPSPAC frequencies. Doing so would eliminate the option to temporarily revert back to Maricopa's old spectrum, should such action become necessary. More importantly, the addition of another potential interferor³ could cloud the ability to accurately determine the cause of the currently experienced interference.

² This means that Maricopa's "old" frequencies continue to be programmed into Maricopa subscriber units.

³ Interference from adjacent broadband operations, either from Sprint's operations on old NPSPAC frequencies, or other carriers using Cellular "A" Block frequencies, have occurred in many areas across the country, post-

It should also be noted that Sprint requests “early” access to the new spectrum prior to the Commission declaring the area rebanding complete, but there is no similar accommodation proposed for public safety licensees in the area. Sprint is asking for the benefit of its bargain before the agreed to time frame, but public safety licensees in this geographic area (and many others) are being denied access to spectrum to expand, or simply move around sites, that was promised more than a decade ago. There is simply no reason for such delays, and the continuing freeze is significantly impacting public safety licensees across the country.

It was argued that a licensing freeze on new NPSPAC and interleaved spectrum was necessary for the Transition Administrator to be able to readily find new frequencies for moving licensees, and to accommodate changes necessitated by issues such as combiner problems. However, the reality is that the TA’s work was completed in this area (and almost all others) long ago. Yet the freeze remains. While it could be argued that in the Phoenix area rebanding neared completion only recently, the fact is that there is no reason why the freeze cannot be lifted at this time for the exact same geographic area for which Sprint proposes its waiver.⁴ Thus, should the Commission elect to grant Sprint’s Waiver Request, it should do so only in conjunction with the lifting of the licensing freeze.

rebanding. Locating interference before Sprint begins broadband operations will be far easier than after such operations commence.

⁴ The argument is even stronger for other areas still waiting for a lifting of the freeze.

III. CONCLUSION

WHEREFORE, the premises considered, it is respectfully requested that the Commission delay the grant of Sprint's Waiver Request until such time as Maricopa County's interference issues have been mitigated, and all other area licensees have completed their rebands. Further, the grant of any waiver should include the lifting of the Commission's licensing freeze in the same geographic area.

Respectfully Submitted,

MARICOPA COUNTY, ARIZONA

By: Alan S. Tilles, Esquire

Its Attorney

Shulman Rogers Gandal Pordy & Ecker, P.A.
12505 Park Potomac Ave., Sixth Floor
Potomac, Maryland 20854
(301) 231-0930

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